

Summary - An ordinance delegating to the City Director of Finance the duties of the City Council relating to the apportionment, combination or reapportionment of assessments in the City's special improvement districts pursuant to NRS 271.425, and providing other matters related thereto.

BILL NO. 2006-49
ORDINANCE NO. _____

**AN ORDINANCE DELEGATING TO THE CITY
DIRECTOR OF FINANCE THE DUTIES OF THE CITY
COUNCIL RELATING TO THE APPORTIONMENT,
COMBINATION OR REAPPORTIONMENT OF
ASSESSMENTS IN THE CITY'S SPECIAL
IMPROVEMENT DISTRICTS PURSUANT TO NRS 271.425,
AND PROVIDING OTHER MATTERS RELATED
THERE TO.**

WHEREAS, the City of Las Vegas in the State of Nevada (the "City" and "State," respectively) is a political subdivision of the State, organized and operating as a city under the provisions of an act entitled "AN ACT incorporating the City of Las Vegas, in Clark County, Nevada, under a new charter; defining the boundaries thereof; and providing other matters properly relating thereto," cited as Chapter 517, Statutes of Nevada 1983, and all laws amendatory thereof; and

WHEREAS, Nevada Revised Statutes ("NRS") Section 271.425 provides:

"1. If a tract is divided after a special assessment thereon has been levied and divided into installments and before the collection of all the installments, the governing body may require the treasurer to apportion the uncollected amounts upon the several parts of land so divided.

2. If two or more tracts are combined or combined and redivided into two or more different tracts after a special assessment thereon has been levied and divided into installments and before the collection of all the installments, the governing body may require the treasurer to combine or combine and reapportion the uncollected amounts upon the part or parts of land that exist after the combination or combination and redivision.

3. Except to the extent limited in an ordinance that authorizes or otherwise pertains to the issuance of bonds for an improvement district, the governing body may reapportion assessments which have been levied pursuant to this chapter or apportioned pursuant to this section with the unanimous written consent of all the owners of property whose assessments will be increased by the reapportionment. The governing body is not required to obtain the consent of an owner of property whose assessment will not be affected or will be decreased by the reapportionment.

4. Assessments may be combined or reapportioned, or both, pursuant to subsections 2 and 3, only if the governing body finds that the proposed action will not:

(a) Materially or adversely impair the obligation of the municipality with respect to any outstanding bond secured by assessments; or

(b) Increase the principal balance of any assessment to an amount such that the aggregate amount which is assessed against a tract exceeds the minimum benefit to the tract that is estimated to result from the project which is financed by the assessment.

5. The report of an apportionment, combination or reapportionment pursuant to this section, when approved by the governing body, is conclusive on all the parties, and all assessments thereafter made upon the tracts must be according to the apportionment, combination or reapportionment so approved.

6. The report, when approved, must be recorded in the office of the county recorder together with a statement that the current payment status of any of the assessments may be obtained from the county or municipal officer who has been directed by the governing body to collect the assessment. Neither the failure to record the report as provided in this subsection nor any defect in the report as recorded affects the validity of the assessments, the lien for the payment thereof or the priority of that lien.”; and

WHEREAS, Section 11 of Chapter 426, Statutes of Nevada (2005) (the “Act”) amends NRS Section 271.425 to provide a new Section 7, which reads:

“7. The governing body may by ordinance delegate to the chief financial officer or treasurer of the municipality the duties required of the governing body pursuant to this section in connection with the apportionment, combination or reapportionment of assessments. If the governing body adopts such an ordinance, the ordinance must establish parameters for the chief financial officer or treasurer in the performance of such duties.”; and

WHEREAS, the City Council of the City (the “Council”) desires to delegate to the Director of Finance of the City, as chief financial officer of the City (the “Finance Director”), the duties required of the Council pursuant to NRS Section 271.425 in connection with the apportionment, combination or reapportionment of assessments, subject to the parameters provided in this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS, IN THE STATE OF NEVADA, DOES ORDAIN:

Section 1. The Council hereby delegates to the Finance Director the duties required of the Council pursuant to NRS Section 271.425 in connection with the apportionment, combination or reapportionment of assessments, subject to the parameters provided in this Ordinance. Such delegation shall apply to all special assessment districts of the City, whether they currently are in existence or are created at a later date.

Section 2. The delegation contained in Section 1 of this Ordinance is subject to the following parameters:

(a) Any apportionment, combination or reapportionment performed by the Finance Director shall comply with the assessment ordinance and ordinance authorizing the issuance of special assessment bonds, if any, for the special improvement district in which the property being apportioned, combined or reapportioned is located.

(b) Any apportionment, combination or reapportionment performed by the Finance Director shall comply with NRS Chapter 271 and all other applicable statutes.

Section 3. When first proposed, this Ordinance shall be read to the Council by title, after which an adequate number of copies of this Ordinance shall be filed with the City Clerk for public distribution. Notice of the filing shall be published once in a newspaper published and having general circulation in the City, at least 10 days before the adoption of this Ordinance, such publication to be in substantially the following form:

(Form of Publication of Notice of Filing of Ordinance)

BILL NO. ____

**AN ORDINANCE DELEGATING TO THE CITY
DIRECTOR OF FINANCE THE DUTIES OF THE CITY
COUNCIL RELATING TO THE APPORTIONMENT,
COMBINATION OR REAPPORTIONMENT OF
ASSESSMENTS IN THE CITY'S SPECIAL
IMPROVEMENT DISTRICTS PURSUANT TO NRS 271.425,
AND PROVIDING OTHER MATTERS RELATED
THERE TO.**

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-numbered and entitled proposed Ordinance are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas at her office in the City Hall, 400 Stewart Avenue, Las Vegas, Nevada, and that such Ordinance was proposed on August 16, 2006 and will be considered for adoption at the regular meeting of the City Council to be held on September 20, 2006.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication of Notice of Filing of Ordinance)

Section 4. This Ordinance shall be in effect on the date of publication as hereinafter provided. After this Ordinance is adopted and signed by the Mayor and attested and sealed by the Clerk, this Ordinance shall be published once by its title only, together with the names of the Council members voting for or against its passage, such publication to be made in a newspaper published and having a general circulation in the City, and such publication to be in substantially the following form:

(Form of Publication)

BILL NO. _____
ORDINANCE NO. _____

**AN ORDINANCE DELEGATING TO THE CITY
DIRECTOR OF FINANCE THE DUTIES OF THE CITY
COUNCIL RELATING TO THE APPORTIONMENT,
COMBINATION OR REAPPORTIONMENT OF
ASSESSMENTS IN THE CITY'S SPECIAL
IMPROVEMENT DISTRICTS PURSUANT TO NRS 271.425,
AND PROVIDING OTHER MATTERS RELATED
THERE TO.**

PUBLIC NOTICE IS HEREBY GIVEN that the above-numbered and entitled Ordinance was proposed on August 16, 2006 and that such Ordinance was passed at a regular meeting of the City Council on September 20, 2006 by the following vote of the City Council:

Those Voting Aye:

Oscar B. Goodman
Gary Reese
Larry Brown
Lawrence Weekly
Steve Wolfson
Lois Tarkanian
Steven D. Ross

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after the 24th day of September, 2006 i.e., the date of the publication of such Ordinance by its title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada has caused this Ordinance to be published by title only.

DATED this _____, 2006.

/s/ Oscar B. Goodman

Mayor

Attest:

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication)

Section 5. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Adopted on September 20, 2006.

Mayor

Attest:

City Clerk

The ordinance has been reviewed by the Deputy City Attorney:



Deputy City Attorney

This Ordinance shall be in full force and effect from and after September 24, 2006, i.e., the day after the publication of such Ordinance by its title only.

STATE OF NEVADA)
) ss.
CITY OF LAS VEGAS)

I, Barbara Jo Ronemus, the duly chosen, qualified and acting Clerk of City of Las Vegas, Nevada (the "City"), do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the Council on August 16, 2006 and finally adopted and approved on September 20, 2006.

2. The following members of the Council were present at the August 16, 2006 Council meeting:

Mayor:	Oscar B. Goodman
Councilmembers	Gary Reese
	Larry Brown
	Lawrence Weekly
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross

3. The foregoing Ordinance was first proposed and read by title to the City Council on August 16, 2006, and referred to a committee composed of the _____ for recommendation; thereafter said committee reported favorably on said Ordinance on September 20, 2006, which was a regular meeting of said Council; that as said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the September 20, 2006 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Larry Brown
	Lawrence Weekly
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross

Those Voting Nay:

Those Absent:

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the Council were given due and proper notice of the meetings held on August 16, 2006 and September 20, 2006.

6. All members of the Council were given due and proper notice of the meetings. Pursuant to NRS § 241.020, written notice of the meeting including the time, place, location and agenda of the meeting was given by 9:00 a.m. at least three working days before the meeting.

(a) By posting a copy of the notice at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three other separate, prominent places within the jurisdiction of the Council, to wit:

- (a) City Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
Las Vegas, Nevada
- (b) Bulletin Board
City Hall Plaza (next door to Metro Records)
Las Vegas, Nevada
- (c) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (d) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (e) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

and

(b) By mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the Council in the same manner in which notice is required to be mailed to a member of the Council.

7. A copy of the notice of each meeting was posted on the City's website no later than 9:00 a.m. on the third working day prior to each meeting.

8. Copies of the notice of each such meeting as posted and mailed are attached hereto as Exhibits A and B.

9. A copy of the affidavit of publication of notice of deposit of the Ordinance is attached to this certificate as Exhibit C. A copy of the affidavit of publication of adoption of the Ordinance is attached to this certificate as Exhibit D.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this September 20, 2006.

City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of Meeting held August 16, 2006)

EXHIBIT B

(Attach Copy of Notice of Meeting held September 20, 2006)

EXHIBIT C

(Attach Affidavit of Publication of Filing of Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Ordinance)